

**WHATCOM COUNTY**  
Planning & Development Services  
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**Mark Personius, AICP**  
Director



**Comprehensive Plan and/or  
Development Regulation  
Amendment Application**

Date Received: \_\_\_\_\_ File #: \_\_\_\_\_

Please check one or more of the following amendment Types:

- Comprehensive Plan Map
- Comprehensive Plan Text
- Development Regulation Map
- Development Regulation Text

This form should be used for proposed amendments to the following development regulations in the Whatcom County Code:

- Title 16 - Environment,
- Title 20 - Zoning,
- Title 21 - Land Division Regulations, and
- Title 23 - Shoreline Management Program.

Topic of Proposed Amendment:

The requested amendment is for 37.66 acres that was previously part of the Birch Bay Urban Growth Area.

The Whatcom County Council adopted Ordinance 2016-034, and the map UGA-8 (page 169) (Exhibit A). The adoption of the Ordinance removed Calluna Properties LLP from the Birch Bay Urban Growth Area.

Once reinstated within the Birch Bay Urban Growth Area, zoning would be consistent with the long term goals and planning of Whatcom County pursuant to the Growth Management Act.

Birch Bay Urban Growth Area boundary abuts the north property line of the 37.66 acre parcel. The property is served by existing public water, and public sewer is located just to the north-west property boundary. Access to the parcel is at the intersection of Grandview Road SR-548 and Koehn Road.

Whatcom County is currently updating the county-wide UGA review, and the applicants are requesting to be included to provide a variety of housing options.

**A. General Information – All applicants must complete this section.**

**Applicant Name:** Calluna Properties LLP

Mailing Address: #103-2417 Main Street City: Ferndale

State: WA Zip Code: 98248 Phone #: 778-883-3937

Email: jmanhas2@gmail.com

**Agent/Contact Name:** Jessy Manhas

Mailing Address: #103-2417 Main Street City: Ferndale

State: WA Zip Code: 98248 Phone #: 778-883-3937

Email: jmanhas2@gmail.com

Please complete the questions below. Attach additional pages as needed

**B. For Map Amendments**

**Parcel Information**

Tax Parcel Number(s) (APN): 3951111285570000, 3951111285340000, 3951111285470000, 3951111415220000, 395111141510000, 3951111455010000

Total Acreage - Gross: 37.66 Acres Net: \_\_\_\_\_

Site Address: 6877 Koehn Road

Township: 39N Range: R1W Section: \_\_\_\_\_ ¼ Section: \_\_\_\_\_

**Owner Name:** Calluna Properties LLP

Mailing Address: #103-2417 Main Street City: Ferndale

State: WA Zip Code: 98248 Phone #: \_\_\_\_\_

Email: jmanhas2@gmail.com

1. Existing Comprehensive Plan Designation: Rural Residential
2. Existing Zoning Designation: R5A
3. Proposed Comprehensive Plan Designation: Urban Growth Area
4. Proposed Zoning Designation: URMX & Commercial
5. The Present Use of the Property is:

Vacant land

6. The Intended Future Use of the Property is:

Residential Master planned development which will accommodate a variety of housing types. Parks & trails, critical areas, and public gathering areas will be incorporated into the natural features and highlighted through open spaces as part of the development.

7. Surrounding Land Use:

Birch Bay Urban Growth area to the north, Cherry Point Urban Growth Area to the east, Salish ocean to the west and Rural Residential to the south.

8. Services:

Please provide the following information regarding the availability of services:

The site is currently served by:  Sewer  Septic

If sewer the purveyor is: Birch Bay Water & Sewer District

The site is currently served by:  Public Water System  Well

If public water the purveyor is: Birch Bay Water & Sewer District

The site is located on a:  Public Road  Private Road

Name of Road: SR595 Grandview Road & Koehn Road

Fire District #: 7 Name: North Whatcom Fire Rescue

School District #: WA-37503 Name: Blaine School District

9. Transfer of Development Rights (TDRs):

Are TDRs required under section 20.89.050 of the Whatcom County Code?

Yes  No

If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modification/exceptions from the TDR requirements

**C. For Text Amendments:**

Identify the sections of the Comprehensive Plan and/or development regulation that you are proposing to change and provide the proposed wording.

Not Applicable

**D. For All Amendments:**

1. Why is the amendment needed and being proposed?

The amendment is proposed to address the insufficiency of land within the current Birch Bay UGA to meet projected population and employment growth. Expanding the Birch Bay UGA allows for the orderly development of a variety of housing types including consideration of senior living which can address the critical community needs along with commercial and employment opportunities. It ensures consistency with the Growth Management Act (GMA) by focusing urban development in areas where urban services can be efficiently provided, reducing sprawl, and optimizing public investment. The amendment is a logical step in developing the area in an orderly fashion. Existing public services will be efficiently utilized. The investment backed expectations of the owners was negatively impacted when the parcels were removed from the Birch Bay UGA.

2. How does the proposed amendment conform to the requirements of the Growth Management Act?

The amendment is fully aligned with the GMA's objectives, particularly those outlined in RCW 36.70A.020, which promote concentrated urban growth, affordable housing, and environmental protection. By directing urban development, it adheres to RCW 36.70A.110, which mandates that urban services be efficiently provided within UGAs. The GMA's emphasis on minimizing rural sprawl and preserving natural resource lands is upheld by focusing new development in areas that are contiguous to existing urban zones. Public services already serve the proposed area keeping in line with RCW36.70A.110 (3), and Whatcom County's Planing goal 1.

3. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

The amendment aligns with the CWPPs by promoting growth within UGAs, reducing sprawl, and encouraging efficient land use. Policy C.1 emphasizes that urban growth should be accommodated primarily within designated UGAs, which this amendment supports. The amendment also addresses Policy G.2, which requires a variety of housing options, by including single-family, multi-family, and senior housing. Policy E.4 ensures that development in non-city UGAs, like the proposed expansion area, is supported by necessary facilities and services, ensuring no gaps in urban infrastructure. Additionally, the project helps fulfill Policy I.8, which encourages economic development consistent with community values, through the creation of jobs and vital community services.

4. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

The amendment directly supports several goals and policies of the Comprehensive Plan. Chapter 2 highlights the importance of compact urban growth, and this amendment ensures planned growth occurs within logical UGA boundaries, minimizing rural land conversion. Chapter 3 emphasizes the need for diverse housing, particularly for seniors and families, which this project will also provide. Additionally, the Capital Facilities (Chapter 4) and Utilities (Chapter 5) elements of the Comprehensive Plan stress the importance of ensuring that new developments are well-serviced with urban infrastructure, including water, sewer, stormwater, and transportation.

5. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

Whatcom County Council adopted Ordinance 2016-034, and the map UGA-8 (page 169) (Exhibit A). These agreements guide UGA expansions, ensuring coordinated planning and service provision. They require that urban-level services, such as water, sewer, and emergency services, be planned and provided efficiently, avoiding duplication and gaps in service delivery. This amendment adheres to those principles by ensuring that urban services will be extended to the newly included parcels under cooperative agreements between the county and relevant service providers in line with CWPP F.1 and F.5. Birch Bay Water and Sewer District has existing service lines running adjacent to the subject parcel.

6. What changed conditions or further studies indicate a need for the amendment?

Population and employment growth projections for Whatcom County have increased substantially (over 267,000 residents projected by 2035) , necessitating more land to meet future needs. According to recent Land Capacity Analysis reports, the current UGA lacks sufficient land to accommodate this growth, particularly for workforce and affordable and specialized housing like senior living facilities, furthermore, planned infrastructure improvements, such as expansions to water and sewer systems and enhancements to the local road network, makes this parcel viable for urban development. The rising demand for senior care services also highlights the need for this UGA expansion to meet community service requirements and promote economic and social well-being. Birch Bay is lacking a variety of housing types to meet the population targets.

7. How will the public interest be served by the amendment? Please address the factors identified below.

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
- Anticipated impact upon designated agricultural, forest and mineral resource lands.

This amendment serves the public interest by providing critically needed housing and services. The development will partially address the county's housing shortage by offering diverse options, including workforce and affordable housing, independent seniors housing and assisted senior care. It will also create jobs during construction and in the operation of the senior care facility. By focusing growth to adjacent properties, the amendment supports efficient use of public resources, reducing the long-term costs associated with extending services to rural areas. Furthermore, the project aligns with broader community goals, such as reducing commute times by providing services close to where people live, supporting family-friendly infrastructure, enhancing the overall quality of life in the county. Impacts to designated agricultural, forest and mineral resources are likely to be marginal to non-existent.

8. Does the amendment include or facilitate illegal spot zoning?  Yes  No

Please explain.

The proposed UGA expansion and development does not constitute spot zoning, as the amendment aligns with broader land use planning principles and established growth patterns outlined in the Countywide Planning Policies and the Comprehensive Plan. The parcel is contiguous to the existing Birch Bay UGA and will be integrated into the urban framework, ensuring logical and cohesive urban growth. The development will be designed to meet identified community needs, such as diverse housing options and a senior care facility, which are consistent with the intended urban character of the UGA.

**E. Supporting Information – Attach the Following:**

- A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendments only).
- B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
  - For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For map amendments that involve rezoning property to a Mineral Resource Land (MRL) designation, mailing labels with the typed address of each property owner within 2,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- C. State Environmental Policy Act (SEPA) Checklist
- D. For Comprehensive Plan map amendments that propose to re-designate property to a MRL designation, a Comprehensive Plan MRL Application Supplement form is required.

**F. Fees**

Applicants pay a docketing fee when submitting an application and additional amendment application fees if the County Council decides to docket the application. The Whatcom County Code 22.10.020(3)(b) states that, when docketing an application, the county council may waive the application fees if it finds the proposed amendment would clearly benefit the community as a whole.

- A. Are you requesting that the County Council waive the application fees?

Yes       No [Providing affordable workforce housing is a clear benefit to the community, especially since there is a housing shortage in Washington State, and the Governor has passed several house bills to encourage Cities & Counties to address the shortage.](#)

If so, please describe how the proposed amendment clearly benefits the community as a whole.

[In 2016 the Whatcom County Council removed this parcel from the Birch Bay Urban Growth Area. All Existing public services already serve this property, and by amending the UGA, this project can provide much needed housing options and employment opportunities to the Birch Bay Community.](#)

**NOTE: Fees will be assessed in accordance with the Whatcom County Unified Fee Schedule (UFS) in effect at the time of application submittal. Please contact Planning and Development Services to determine project specific fees. Click [here](#) to see the 2019/2020 UFS.**

**Per UFS 2843 all permits and applications are subject to a Technology fee. The fee is calculated on the permit/application fees due.**

**E. Authorization**

Signature of Applicant(s) or Agent:

:  \_\_\_\_\_ Date: **December 31, 2024**

: \_\_\_\_\_ Date: \_\_\_\_\_

: \_\_\_\_\_ Date: \_\_\_\_\_